

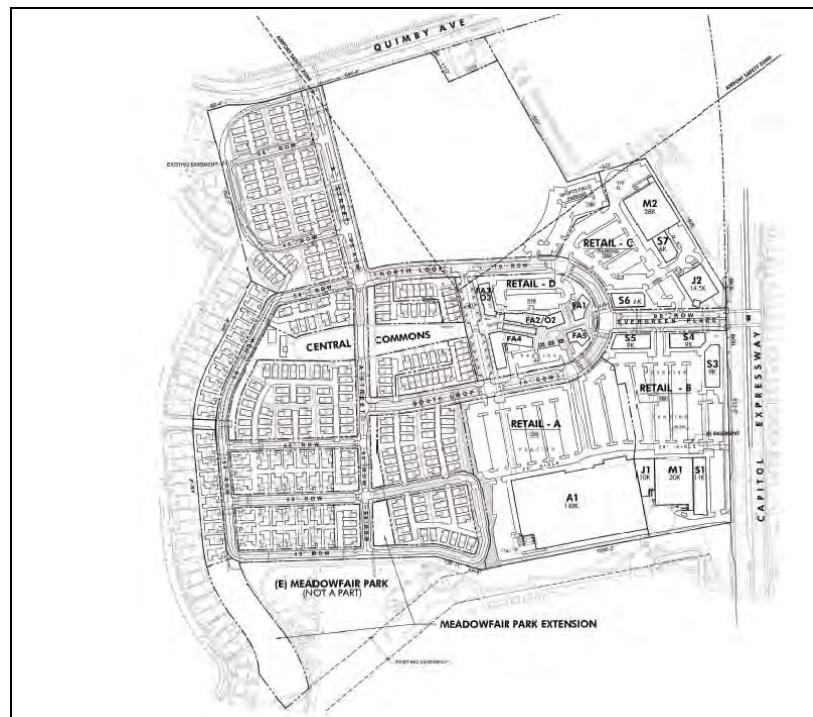


PLANNING COMMISSION STAFF REPORT

File No.	PDC10-022
Applicant:	Gerry De Young, Ruth and Going, Inc.
Location	2218 Quimby Road
Existing Zoning	R-1-8 Single-Family Residence and CO Commercial Office Zoning Districts
Council District	8
Historic Resource	No
Annexation Date:	May 27, 1960 (Evergreen No.3), January 1, 1964 (Evergreen No. 29), March 27, 1970 (Evergreen No. 59)
CEQA:	Addendum to the Evergreen East Hills Vision Strategy & Supplemental Environmental Impact Reports

APPLICATION SUMMARY:

The proposed project is a Planned Development Rezoning of an 81.0 gross acre site from the R-1-8 Single-Family Residence and CO Commercial Office Zoning Districts to the A(PD) Planned Development Zoning District, to allow the construction of up to 344,000 square feet of retail commercial uses, 250 residential dwelling units, and approximately 17.2 acres of public parkland.



RECOMMENDATION:

Planning staff recommends that the Planning Commission recommend **approval** of the subject Planned Development Rezoning to the City Council for the reasons stated in this staff report.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Land Use/Transportation Diagram Designation	Mixed Use Neighborhood, Neighborhood/Community Commercial, Open Space, Parkland, and Habitat, Floating Park, Urban Village <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent		
Consistent Policies	IP-1.1, IP-1.6, IP-1.7, PR-1.7, LU-5.1, LU-10, CD-7.6, LU-11, LU-11.5		
Inconsistent Policies	None		
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Regional Commercial, Industrial Park	CG Commercial General, A Agriculture, A(PD) Planned Development	Office/Retail, Eastridge Shopping Center
East	Industrial Park, Residential Neighborhood	A(PD) Planned Development	Office/Retail, Mobile Homes
South	Open Space, Parkland, Habitat, Public/Quasi-Public, Residential Neighborhood	R-1-8 Single-Family Residence, R-1-8(PD) Planned Development	School, Mobile Homes
West	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residential

RELATED APPROVALS

Date	Action
5/27/60 1/24/64 3/27/70	Annexation into the City (Evergreen No.3, Evergreen No. 29, Evergreen No. 59)
3/15/82	Conventional Subdivision Map (File No. T82-029).
No Date	Requested a Mixed-Use overlay (File No. GP87-008).
3/22/93	Lot Line Adjustment for two parcels (File No. AT93-015).
5/09/05	Planned Development Rezoning from R-1-8 Single-Family Residence and CO Commercial Office Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 1,875 residential units, up to 100,000 square feet of commercial uses and 18 acres of public park/open space on a 80.6 gross acre site. Withdrawn. (File No. PDC05-050).
5/11/05	Denial of a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public, Medium Low Density Residential, Office, Industrial Park, and Public Park/Open Space to Mixed Use with no underlying land use designation on a 81 acre site. (File No. GP05-08-01A).
10/02/09	General Plan Amendment to change the General Plan Designation from 34 acres of Medium Low Density Residential, 23 acres of Industrial Park, and 12 acres of Public/Quasi-Public, all with Mixed Use Overlay, to 11.5 acres of Medium High Density Residential, 12 acres of Public Park/Open Space and 45.5 acres of General

Commercial, with removal of Mixed Use Overlay on a 69 gross acre site, and removal of Mixed Use Overlay on 10.5 acres of property designated Office (File No. GP09-08-04).
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PROJECT DESCRIPTION

On October 26, 2010, the applicant applied for Planned Development Rezoning from the R-1-8 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow construction of 200,000 square feet of commercial/retail space. At the time this application was submitted, the project site was only 41.4 acres. After this application was submitted, the property owner sought to acquire additional property adjacent to the project site, effectively postponing the planning process for over 2 years. Subsequently, the property owner acquired the additional land, increasing the project site to 81.0 gross acres. During this time, the City completed the Envision 2040 General Plan update for the entire city and this particular site. As a result of these changes, the project description has changed. Now, the applicant is applying for a Planned Development Rezoning from the R-1-8 Single-Family Residence and Commercial Office Zoning Districts to the A(PD) Planned Development Zone to allow for the construction of up to 344,000 square feet of retail commercial uses, 250 residential dwelling units, approximately 17.2 acres of public parkland and subsequent subdivision.

Site and Surrounding Uses

The proposed project site is currently an undeveloped 81.0 acre lot. Eastridge Shopping Center is located to the north of the site, across Quimby Road. There is a small commercial/retail center to the north and east of the project site. There is a mobile home park east of the project site, across East Capitol Expressway as well. George Leyva Middle School, Meadowlands Park, and a second mobile home park are located south of the project site. There is a single-family residential neighborhood to the west of the project site.

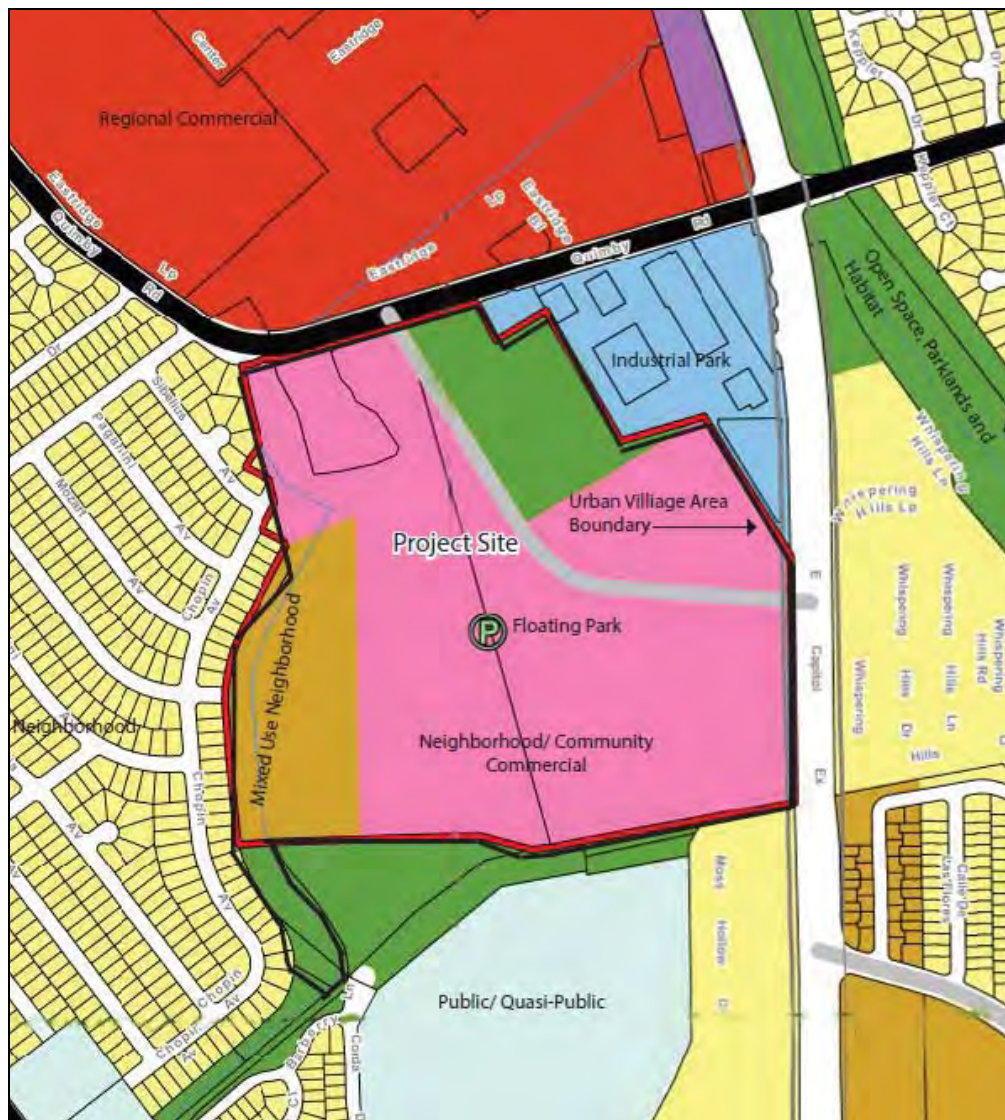


ANALYSIS

The proposed Planned Development Zoning District was analyzed with respect to: 1) conformance with the Envision San Jose 2040 General Plan, 2) Conformance with the Evergreen-East Hills Development Policy, and 3) conformance with the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan

The General Plan Land Use/Transportation Diagram designation for this site is Mixed Use Neighborhood, Neighborhood/Community Commercial, Open Space, Parkland, and Habitat, Floating Park, and Urban Village.



The Mixed Use Neighborhood land use designation is applied to areas developed or intended for development primarily with either townhouse or small lot single-family residences. This designation supports commercial or mixed-use development integrated with the Mixed Use Neighborhood area. This designation supports new neighborhoods with a cohesive urban form, to provide transition between higher-density and lower-density neighborhoods, or to facilitate new infill development within an existing area that does not have an established cohesive urban character. The proposed project will serve as a transition between the commercial components of this rezoning and the established single-family residential neighborhood to the west of the project site. The residential component will also help infill this vacant 81 acre site.

The Neighborhood/Community Commercial designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Commercial uses should provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use, and public interaction. The proposed project will provide a variety of commercial, retail, and office amenities to the new community and the existing community surrounding the project site. The development of this site could provide unique urban retail opportunities that will not only be a local neighborhood attraction, but a regional attraction as well.

Land in the Open Space, Parklands, and Habitat designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. The proposed project will allow the dedication of 17 acres of park land to the City for use as four ball fields. This dedication will not only serve the immediate community, but will also be a regional location for a variety of sporting events.

Additionally, the subject property has a Floating Park designation. A Floating Park designation is identified when a park is needed in the future based on planned residential growth, but where no specific site has yet been identified or where details of surrounding development have not been finalized. The specific size, location and configuration of such park sites are finalized only through acquisition of a particular parcel. The proposed rezoning will include dedication of approximately 2 acres of parkland to the City to create a place where the local community can congregate for open space activity.

This particular site was given an Urban Village designation due to the redevelopment potential of this site to create a vibrant, walkable, mixed-use urban community. The size of this parcel presented a unique opportunity for the City to ensure that this parcel develop in a way that would incorporate all of the major strategies of the General Plan. Additionally, this Urban Village designation requires that the development include no more than 250 residential units. This cap on residential units will allow the space to develop in a balanced manner, with a mix of uses that will create a truly urban village feel.

In addition, the proposed project is consistent with the following San José 2040 General Plan goals and policies:

1. Implementation Land Use Policy LU-1.1: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities, and development forms compatible with a wide variety of neighborhood context and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

Analysis: This 81.0 acre site has three different General Plan Land Use/Transportation Diagram designations, a floating park designation, and an Urban Village designation. Generally, a property must adhere to the strict land use designations when developing a project. However, in some instances, the blending of land use designations is required to achieve the overall intent of the General Plan. In this case, the land use plan indicates that there is residential use on land designated for commercial use on the Land Use/Transportation Diagram. However, in order to create a more urban, pedestrian friendly environment throughout the site as a whole, some flexibility in location of certain components needs to be allowed in order to create a more complete and connected project. This General Plan policy allows this type of necessary flexibility. As such, this proposed zoning meets the intent of the General Plan by providing the appropriate mix of uses throughout the site without rigidly adhering to the delineated lines on the Land Use/Transportation Diagram.

2. Implementation Land Use Policy LU-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision 2040 General Plan vision, goals, and policies.

Analysis: The proposed rezoning advances a number of Envision 2040 General Plan goals and policies, detailed below. This large site will provide residential, retail, and commercial opportunities for residents throughout the City. This project is an infill development of a site that has long been vacant.

3. Implementation Land Use Policy LU-1.7: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

Analysis: The proposed site has potential to provide a multitude of amenities to the City and the immediate community. In order to appropriately provide these amenities, a Planned Development Zoning is the best way to develop this unique property. Additionally, the land dedication to the City for the ball field provides a unique opportunity, and the process of development is best regulated through a Planned Development Rezoning.

4. Urban Village Design Policy CD-7.6: Incorporate a full range of uses in each Urban Village Plan to address daily needs of residents, businesses, and visitors in the area. Consider retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, private community gathering facilities, and other neighborhood-serving uses as part of the Urban Village planning process. Encourage multi-use spaces wherever possible to increase flexibility and responsiveness to community needs over time.

Analysis: The proposed project will allow up to 344,000 square feet of commercial/retail space, 250 residential units, and over 17 acres of parkland. This mix of use captures the spirit of an Urban Village, as it incorporates a full range of uses that can address the daily needs of residents. The amount of retail that can be provided on this site has potential to provide a variety of amenities for that the residents will need on a daily basis.

5. Efficient Use of Residential and Mixed Use Land Use Policy LU-10: Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.

Analysis: The proposed site is within a half mile of the existing Eastridge transit center and the planned Capitol Expressway light rail extension.

6. Residential Neighborhood Land Use Goal LU-11: Regulate the urban form, architectural quality and contextual compatibility of new construction and uses within the city's varied residential neighborhoods to promote a residential neighborhood environment conducive to a high quality of life for neighborhood residents and visitors.

Analysis: The conceptual plans for the proposed project promote a strong walkable and connected neighborhood. The plans highlight public and private streets that use greenways and modified crossings to promote strong connectivity between existing neighborhoods and new neighborhoods, and to the proposed retail. The conceptual architecture for the homes closer to the retail center of the project is more urban in nature, while the homes that abut the existing neighborhood promote continuity with the existing neighborhood. Overall, the project as shown in the conceptual plans promises to create a neighborhood with good urban form and high architectural quality.

7. Residential Neighborhood Land Use Policy LU-11.5: Integrate new and existing neighborhoods and facilitate movement throughout the City by connecting streets and particularly by providing pedestrian and bicycle cross-access connections. Integrate new infill development into the existing neighborhood pattern, continuing, and where applicable extending or completing the existing street network.

Analysis: The proposed rezoning includes new connector roads and pathways that will connect all of the communities surrounding the development site. This rezoning is intended to create a site that integrates pedestrian walkways, trails, bike paths, and intimate roadways that facilitate the movement of people throughout the entire site.

8. Parks Policy PR-1.7: Design vibrant urban public spaces and parkland that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/ farmers markets as well as opportunities for passive, and where possible, active recreation.

Analysis: The proposed development includes over 17 acres of parkland that will be dedicated to the City for public use. Moreover, the proposed zoning also establishes a central common area for the immediate residents and surrounding communities.

9. Neighborhood Serving Commercial Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

Analysis: The proposed rezoning allows for up to 344,000 square feet of commercial uses. This commercial space will be a mix of retail use and office use that will serve the immediate community by providing a full range of goods and services.

Evergreen-East Hills Development Policy

The Evergreen Development Policy (EDP) was originally adopted in 1976 to address the issues of flood protection and limited traffic capacity in the Evergreen area south of Story Road and east of US highway 101. Revisions were made to this policy over the years, and in 2008 a new policy emerged, the Evergreen-East Hills Development Policy (EEHDP), that built upon prior planning efforts. This policy identified six large opportunity sites for future development, one of which is the proposed project site. The policy established a framework for a limited amount of new residential, commercial and office development within the identified opportunity sites to promote the long-term vitality of the Evergreen-East Hills area. This policy accomplished this by encouraging new development that supports transit use, walkability, and a strong neighborhood identity.

The proposed project is consistent with this policy, as it specifically supports the development of a livable and walkable residential neighborhood, promotes infill development of this 81 acre site, and intends to provide commercial amenities to the existing and new residential communities.

New Residential Development Unit Pool

The EEHDP established capacity for the development of up to 500 new residential units within the policy area. This capacity is held in a “pool” that may be allocated to any property per the allocation criteria set forth in the policy. The allocation criteria required that the project furthers the Major Strategies, Goals, and Policies of the General Plan. Units are considered “allocated” with the approval of a rezoning, development permit or subdivision. Any type of residential development, including single-family and multi-family residential projects are allocated from this pool.

Projects are also given units from the pool based on whether they intend to develop as a small or large project. A small project is any project which proposes to draw 35 or fewer residential units from the residential pool, and a large project is any project which proposes to draw more than 35 units from the residential pool. The project site was allocated 217 units through the EEHDP, as the EEHDP established a specific amount of land use development capacity Policy Area. In an attempt to increase their units, the project proposes to draw 35 units from the pool. These 35 units would have placed the residential count at 252 units on the project site. Due to cap on residential units established by the Urban Village designation, the project is only allowed to pull 33 units from the pool, giving the site a total of 250 units.

New Retail and Commercial Office Development Square Footage Pool

The Policy also established a capacity for the development of up to 500,000 square feet of new retail development within the Policy area held in a pool that may be allocated to any property that met the criteria set forth in the implementation section of the Policy. The Policy also established capacity for the development of up to 75,000 square feet of new office development within the Policy area held in a pool that may be allocated to a property that met the criteria set forth in the implementation section of the policy. These criteria require that: 1) the project further the major strategies and goals and policies of the General Plan; 2) conform to the City’s Design Guidelines for Commercial, Industrial, and Residential uses; 3) not require modification to the Urban Service Area or Urban Growth Boundaries, and 4) not create significant adverse effects upon the environment, projects that must not require significant grading or other alteration of the natural environment.

The proposed project meets the established criteria to obtain new retail and commercial office development square footage from the existing pool for the reasons discussed above in the General Plan conformance section of this report. As such, the proposed project includes up to 344,000 square feet of commercial and retail space. The proposed commercial/retail space, combined with the proposed retail will foster vibrant commercial uses, and a strong residential neighborhood identity.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Addendum to the Evergreen East Hills Vision Strategy Environmental Impact Report (adopted December 12, 2006 by Council Resolution 73570), was prepared for the project under the provisions of the environmental review requirements the California Environmental Quality Act of 1970, as amended (CEQA), including the state and local implementing regulations. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which will require major revisions to the previous EIR, substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, or new information of substantial importance is available. The Addendum provided updated studies for the following areas: 1) Biotic Evaluation-burrowing owl habitat analysis and mitigation strategy and a tree survey; 2) Hazards and Hazardous Materials- Phase 1; and 3) Traffic Operations Analysis. The Addendum concluded that the implementation of the proposed Planned Development Rezoning would not result in any new significant impacts, impacts that are cumulatively considerable, or impacts that will directly or indirectly cause substantial adverse effects on human beings beyond those disclosed and evaluated in the Final EIR. The applicant will be required to pay HCP fees and comply with any future HCP conditions. The proposed project is also consistent with the City's Greenhouse Gas Reduction Strategy outlined in the General Plan.

PUBLIC OUTREACH/INTEREST

Staff facilitated a community meeting on September 29, 2014 to discuss the proposed project and the overall planning process. Approximately 20 members of the public attended the meeting. Community members expressed interest in the project and were interested in the timeline for the project.


The property owners and occupants within a 1,000-foot radius were sent public hearing notices for the community meetings and the Planning Commission and City Council hearings. This staff report has been posted on the City's website. Signage has been posted at the site to inform the public about the proposal. Staff has been available to discuss the proposal with interested members of the public.

PUBLIC HEARING NOTIFICATION

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Lea C. Simvoulakis

Approved by:  , Division Manager for Harry Freitas, Planning Director

Date: 11/10/14

Attachments:
Exhibit A: Development Standards
Exhibit B: Plan Set

Owner:	Applicant:
Brad Durga, Vice President Arcadia Development Co. P.O. Box 5368 San Jose, CA 95150	Gerry De Young Ruth and Going, Inc. P.O. Box 26460 San Jose, CA 95159

PDC10-022
Arcadia – Evergreen Village Mixed Use
Draft Development Standards

Allowable Uses

Retail / Commercial Area:

- All Permitted, Special and Conditional Uses of the CN Commercial Neighborhood and the CP Commercial Pedestrian Zoning Districts of Title 20 of the San Jose Municipal Code (as amended).
- Prohibited Uses: Pawn shop/broker, Emergency ambulance service, Bail bond establishment, Mortuary and funeral services, Payday lending establishment.
- All Special and Conditional Uses of the CP and CN Zoning Districts shall require approval of a Planned Development Permit.

Residential Area:

- All Permitted Uses of the R-1, R-2 and R-M Residential Zoning Districts of Title 20 of the San Jose Municipal Code (as amended).
- Private Recreational Facilities; owned operated and maintained by a Homeowners Association.

Development Regulations and Standards

Retail / Commercial Area:

- Maximum square footage: 344,000 sq ft
- Minimum Lot Size: None
- Building Setbacks:

Front	5 feet
Side abutting a Street	5 feet
Interior lot line	none
Rear	10 feet
- Parking Setbacks:

Front	10 feet
Side abutting a Street	10 feet
Side – interior lot line	none
Rear	10 feet
- Maximum Building Height: 60 feet
 - Minor Architectural projections up to 80 feet may be allowed on buildings greater than 100,000 square feet in size.

- **Parking Space Requirements:** Parking spaces within the Project shall meet the size and number of space requirement as stated in Chapter 20.90 of the San Jose Municipal Code. Alternative parking arrangements and parking reductions due to demand analysis may be approved through a Planned Development Permit.

Residential Area:

- **Maximum number of units:** 250 units
- **Minimum Lot Size:**
 - Detached units with garages in the front of the unit: 3,500 sq ft
 - Detached units with garages in the rear of the unit: 1,500 sq ft
 - Attached units: 1,000 sq ft
- **Maximum Building Height:** 45 ft
- **Building Setbacks:**
 - Front 5 feet
 - Side abutting a Street 3 feet
 - Side – interior lot line 3 feet
 - Rear 5 feet
 - Rear along Westerly Site Boundary 10 feet

(Building setbacks are measured to property lines. If no property line is present, setbacks are measured to the face of curb)
- **Building Separations:**
 - Front to Front: 15 feet
 - Side to Side: 8 feet
 - Rear to Rear: 20 feet

(Variations allowed for porches, steps and architectural elements, subject to approval by the Director of Planning)
- **Parking Space:** Off-street residential parking shall be two (2) covered spaces per unit. Covered tandem parking spaces are permitted with no additional review by the Director of Planning required. The overall parking requirement may be reduced to the satisfaction of the Director of Planning as determined appropriate on a case by case basis through a Planned Development Permit.

No off street parking spaces are required for the private community recreation center, which may include exercise room(s) and meeting space(s) for use by the members of the Homeowners Association.

- **Private or Common Open Space:** The amount of private and/or common open space shall conform to the Residential Design Guidelines, as applicable. Variations may be allowed by the Director of Planning with an approved Planned Development Permit.

PUBLIC WORKS CONDITIONS

Prior to the approval of the Tract Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following:

<http://www.sanjoseca.gov/index.aspx?nid=2246>.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
 - a) This project is located in the Evergreen East Hills Development Policy (EEHDP) area and in conformance with the policy, is required to pay a Traffic Impact Fee (TIF) in the amount of \$4,347,187.35 for the proposed commercial development. For the residential land use, the project has previous entitlements for 217 residential unit under the Benefit Assessment District 91-209SJ. The Evergreen East Hills Development Policy traffic impact fee is assessed at \$12,210 per 1,000 square feet of commercial or office. We conclude that with the payment of the EEHDP traffic impact fee, the subject project will be in conformance with the Evergreen East Hills Development Policy and a determination for a negative declaration can be made with respect to traffic impacts.
 - b) A Traffic Operational Analysis by Hexagon Transportation Consultants, Inc. dated October 7, 2011 has been reviewed. The project shall adhere to the recommendations made as it relates to traffic operations. See items 9 and 10 below for conditions that are a result of the operational analysis.
3. **Assessments:** This project is located within the boundaries of Benefit Assessment District 91-209SJ which specifies the number of residential units allocated to undeveloped properties in the Evergreen Area. According to the district, a total of 217 residential units have been allocated to the following parcels: assessor's parcel numbers 670-29-017 and 670-29-020 have allocations of 67 units and 150 units respectively. The assessment is due at the first discretionary act towards development and is adjusted annually each February 1 based on the construction cost index for the San Francisco Bay Area. This proposal will trigger the requirement for payment of the assessment, which is \$722,003.46 if paid by 1/31/15.

Enhancements installed by this project in the public right-of-way above City Type 1 standards will require some financing mechanism, such as a maintenance district or community facilities district, to accommodate additional maintenance needs.

4. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
- c) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- d) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- e) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

5. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have not been submitted for review. A final Stormwater Control Plan for the project must be submitted with the Planned Development (PD) Permit application.
- b) Final inspection and maintenance information on the post-construction treatment control measures must be included on the final Stormwater Control Plan.

6. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
8. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Jeff Provenzano at (408) 277-3671 for further information.
9. **Street Improvements:**
 - a) Public and Private Street Sections shall be submitted, reviewed, and finalized prior to the issuance of a PD permit.
 - b) The proposed new intersection at Quimby Road shall require the installation of traffic signal.
 - c) A roundabout design shall be implemented to facilitate the traffic flow internally within the commercial / retail portion of the project site and as a result not cause backup onto Capitol Expressway. The roundabout shall be a minimum of 90' in radius, to be finalized prior to the issuance of a PD permit.
 - d) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - e) Close unused driveway cut(s).
 - f) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
10. **County of Santa Clara:**
 - a) Additional Right-of-Way is required for the proposed project entrance at Capitol Expressway. Based on the design speed of 45 MPH a 375' long deceleration lane would be required for traffic traveling southbound on Capitol Expressway to perform a right turn onto the site. As a result, the developer must acquire the needed property (approximately 3,000 square feet).
 - b) Install signal interconnect conduit and fiber optic cable along Capitol Expressway from Quimby Rd. to Silver Creek Rd. to coordinate signal timing for the proposed traffic signal at the Capitol Expressway entrance with the Capitol Expressway signal corridor.
 - c) The proposed new signalized intersection on Capitol Expressway will impact the entire Capitol Expressway corridor. The developer shall reimburse the County for all signal timing plans that require retiming on Capitol Expressway as a result of the project.

- d) There shall be only one point of access from Capitol Expressway onto the project site.
 - e) Install sidewalk along project frontage on Capitol Expressway.
 - f) Additional design comments and requirements for the proposed improvements in County right-of-way may result from the County's review of the PD Permit.
11. **SNI:** This project is located within the West Evergreen SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
12. **Electrical:** Electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
13. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
14. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - d) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
15. **Referrals:** This project should be referred to the County Roads and Airports.

ENVIRONMENTAL MITIGATIONS

Air Quality

MM 4.4-16 New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders.

MM 4.4-17 Bicycle amenities shall be provided on each of the EEHVS opportunity sites. Each site will be reviewed and appropriate bicycle amenities shall be included. As appropriate, this

shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout each project site.

MM 4.4-18 All buildings shall include outdoor electrical outlets so as to encourage the use of electrical landscape maintenance equipment.

Biological Resources

MM 4.6-16 A qualified ornithologist shall conduct a protocol-level, pre-construction survey for nesting raptors onsite not more than 30 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur during the breeding season (Feb. 1 to Aug. 31).

MM 4.6-17 If a nesting raptor is detected, an appropriate construction buffer shall be established. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.

MM 4.6-18 A report summarizing the results of the pre-construction survey and subsequent efforts to protect nesting raptors (if found to be present) shall be submitted to the Director of PBCE.

MM 4.6-1 The site design and PD Permit approval, as well as any public improvements, shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement (PBCE).

MM 4.6-2 In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in the following table.

Tree Replacement Ratios from Table 48 of the EEHVS EIR				
Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non- Native	Orchard	
18 inches or greater	6:1	4:1	4:1	24-inch box
12 to <18 inches	2:1	2:1	none	24-inch box
<12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio				

MM 4.6-3 The species and exact number of trees to be planted on the site during the construction phase shall be determined in consultation with the City Arborist and to the satisfaction of the Director of the Department of PBCE.

Cultural Resources

MM 4.5-1 Prior to the start of construction, the two areas encompassed by CA-SCL-215 and CASCL-327, including a sufficient buffer determined by an archaeologist, shall undergo additional testing. The delineation of the areas to be tested shall be based upon the figures and information contained in the following report: "Subsurface Archaeological Testing: Evergreen Smart Growth Strategy Study Area (Arcadia Homes Site)", Holman & Associates, December 2004. Testing shall consist of controlled mechanical stripping, under the direction of a qualified archaeologist, within the two delineated areas.

Controlled stripping shall continue until all archaeological material is removed, or to the maximum depth construction impacts will occur in a given area. Once the controlled stripping has been completed, the archaeologist shall determine whether any monitoring of actual construction is warranted.

If suspected human bone or important archaeological features are encountered, work in the immediate area of the discovery shall be halted. The finds shall be exposed, recorded, and removed by an archaeologist. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements.

All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

Geology & Soils

MM 4.7-1 A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist prior to Public Works clearance and issuance of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site.

Noise

MM 4.3-4 Where pile drivers are needed, the use of multiple-pile drivers shall be considered in order to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.

MM 4.3-5 Temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

MM 4.3-6 Where feasible, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.

MM 4.3-8 Consideration shall be given to locating the commercial uses closest to Quimby Road and Capitol Expressway. This would allow the commercial uses to shield the more sensitive uses (i.e., residences and parks) from elevated traffic noise levels.

MM 4.3-9 All outdoor use areas associated with the proposed residences shall be designed and sited so that noise levels do not exceed a Ldn of 60 dBA. This will be accomplished through site design (e.g., creating sufficient buffers/setbacks between noise sources and these areas, shielding such areas from noise sources by locating them behind buildings, etc.) and/or constructing soundwalls.

MM 4.3-10 In the event that residential patios are constructed in locations where the Ldn is not reduced to 60 dBA by the steps described in the previous measure, such patios shall be designed to include acoustically-effective (i.e., without cracks, gaps, openings, etc.) fencing.

MM 4.3-11 All residences, both single- and multi-family, shall be designed to achieve an interior noise level of 45 dBA Ldn. In some cases, this will require residents to keep windows closed, which will mandate the inclusion of forced-air mechanical ventilation systems. Compliance with this measure shall be demonstrated through the preparation of a detailed acoustical analysis, such analysis to be reviewed and approved by the City.

MM 4.3-12 The project shall be designed so that noise from the commercial uses will not exceed a Ldn of 55 dBA at the property lines of existing/future residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences).

Public Services

MM 5.3-1 All residential development shall comply with state law regarding the payment of school impact fees.

MM 5.4-1 All residential development shall comply with the requirements of the City's PIO and PDO ordinances.

MM 4.13-2 The developer shall provide payment of the TIF to the City prior to the issuance of building permits.

Planned Development Zoning

EVERGREEN CIRCLE

General Development Plan - Exhibit “C”

Statements and Tables

File Number:	PDC 10-022
Site Area (Gross)	80.98 Acres
APN Information	670-21-071, 670-24-013, 670-24-045, 670-25-027, 670-29-002, 670-29-017, 670-29-020
Existing GP Land Use Designation	Neighborhood / Community Commercial, Mixed-Use Neighborhood, Urban Village, Open Space, Parklands and Habitat.
Existing Zoning	R-1
Proposed Zoning	A (PD)

Project Team

Owner / Developer	The Arcadia Companies PO Box 5368 San Jose, California 95150 Brad Durga (408) 961-8110
Development:	Hunter Properties 10121 Miller Avenue, Suite 200 Cupertino, California 95014 Deke Hunter, Ed Storm, Curtis Leigh (408) 350-5354
Civil Engineer:	Ruth & Going, Inc. 2216 The Alameda Santa Clara, California Michael Sheehy (408) 236-2403
Architecture & Planning	SGPA Architecture and Planning 200 Pine Street, Studio 500 San Francisco, California 94104 Glenn Wood, AIA LEED AP (415) 983-0131
Residential Architect	KTGY Architecture + Planning 1733 Ocean Avenue, suite 250 Santa Monica, CA 90401 Manny Gonzalez, AIA LEED AP (310) 394-2623
Landscape Architect	SMITH + SMITH 1501 North Point Street San Francisco, California Bill Smith (415) 543-0332

Location Map

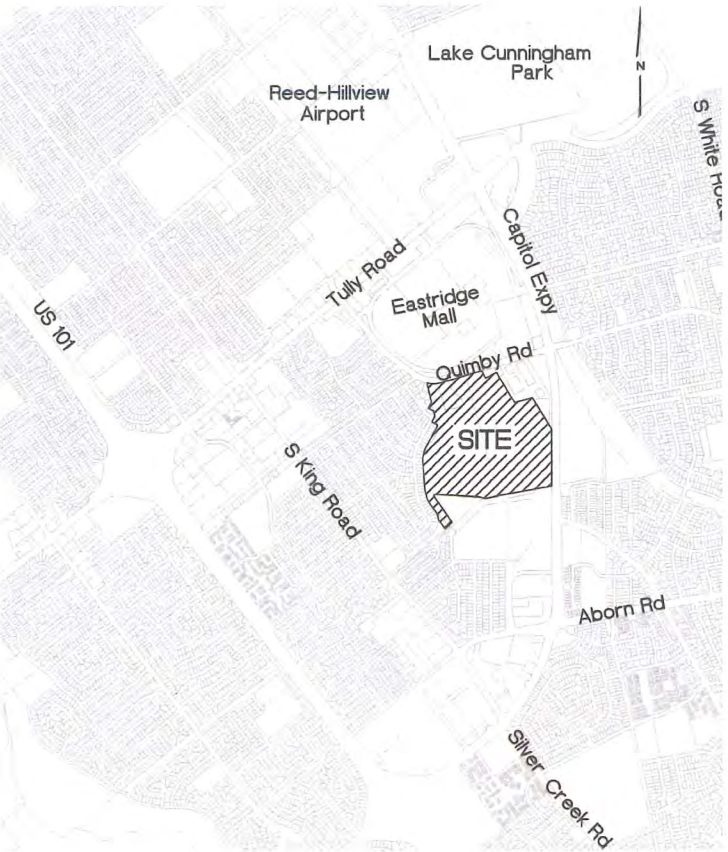


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1.00	Title Sheet
2.00	Land Use Plan
2.10	Development Standards/Environmental Mitigation
3.00	Conceptual Site Plan
5.40	Conceptual Retail Elevations
5.42	Conceptual Retail Elevations
5.44	Residential Row House Elevations
5.46	Residential Single Family Elevations
6.01	Open Space Context and Connectivity Plan

Development Schedule

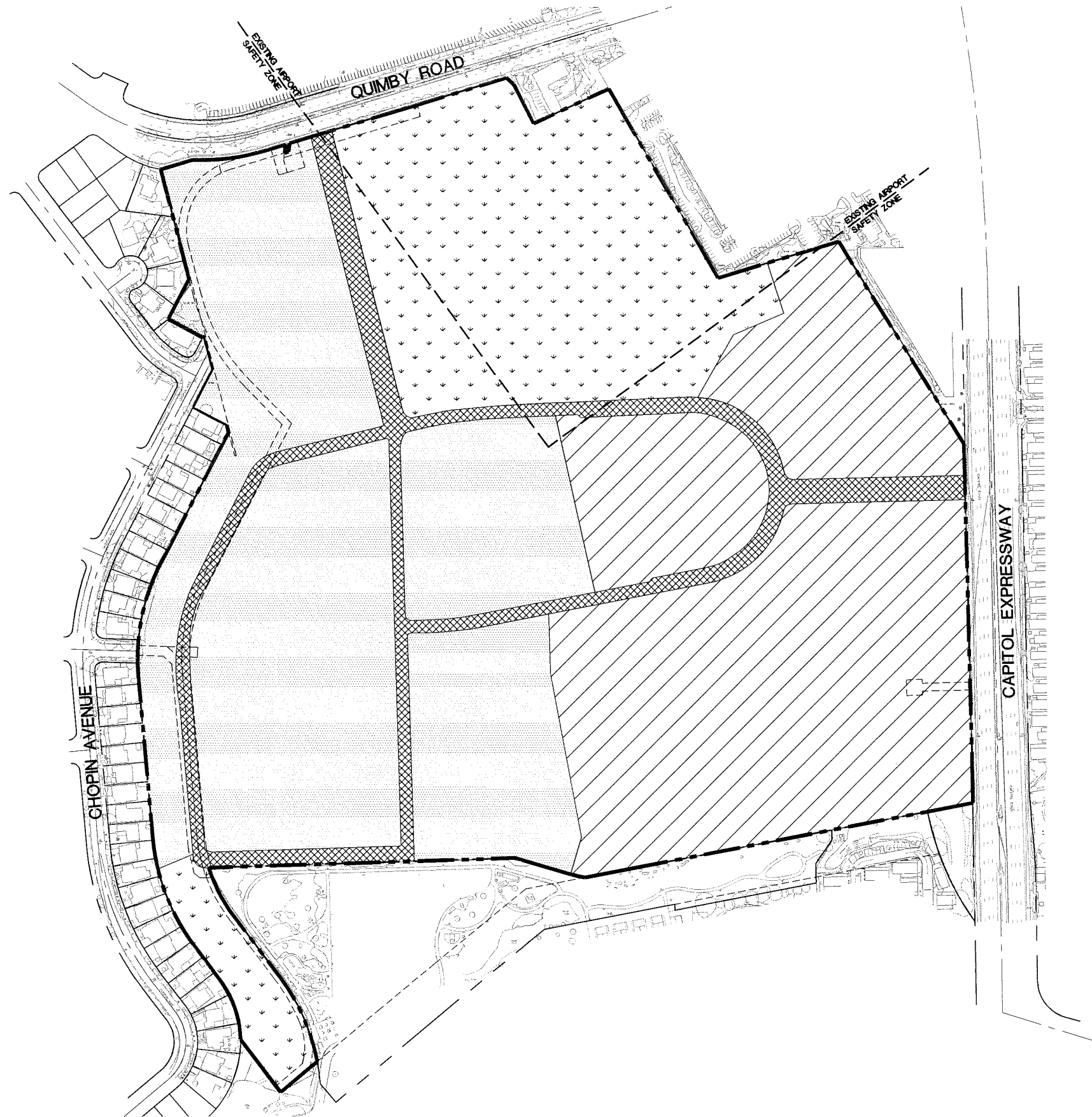
Estimated Construction Start	Spring 2015
Estimated Completion Date	Winter 2016

Plan Set Revisions

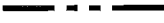





no.	date	description
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2	07-12-2013	Revised Submittal
3	04-08-2014	Revised Submittal
4	10-24-2014	Final Submittal

File Number: PDC 10-022

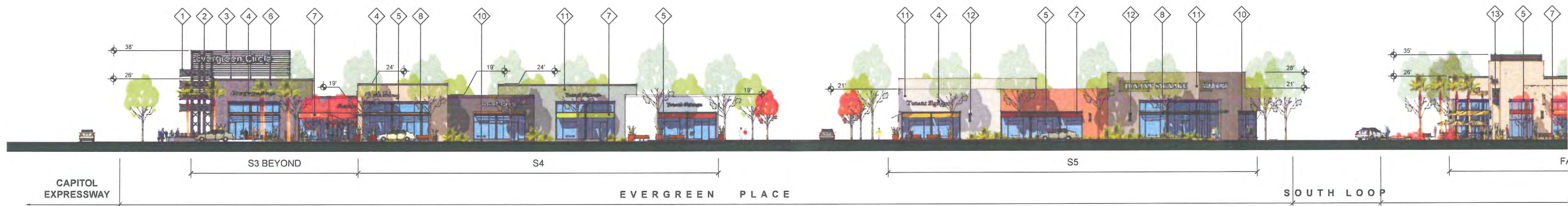
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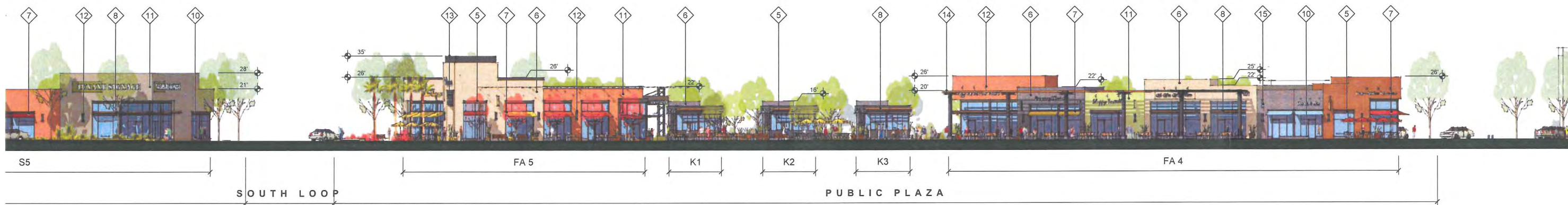
LEGEND

-  REZONING BOUNDARY LINE
-  EXISTING AIRPORT SAFETY ZONE
-  MAJOR STREET SYSTEM (PUBLIC)
-  RETAIL/COMMERCIAL
-  RESIDENTIAL
-  PARKS (PUBLIC) OR PRIVATE RECREATION





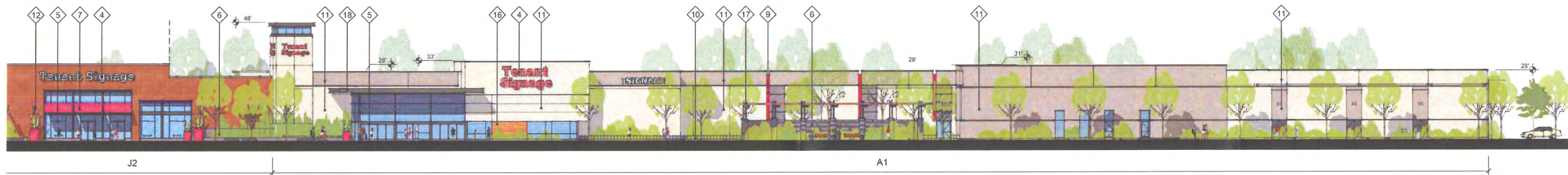
ELEVATIONS - EVERGREEN PLACE



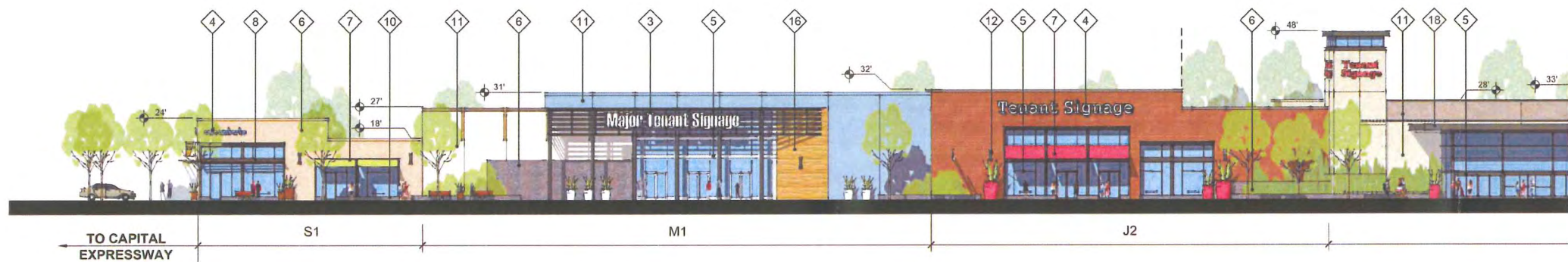
ELEVATIONS - PUBLIC PLAZA

KEY NOTES

- | | |
|--|---|
| 1 Tenant signage | 10 Brick tile base |
| 2 Project identifying signage | 11 Painted stucco finish, medium dash |
| 3 Project entry sign | 12 Wall mounted sconce lighting with up/down light source |
| 4 Tenant signage | 13 Painted metal grille |
| 5 Anodized aluminum storefront | 14 Metal trellis at Public Plaza |
| 6 Brick wall veneer | 15 Blade Sign |
| 7 "Sunbrella" canvas awnings on steel frames, varying colors | 16 Wood panel / veneer |
| 8 Painted metal awning, wall mounted | 17 Decorative metal trellis |
| 9 Aluminum awning | |



ELEVATIONS - RETAIL BUILDINGS J2 & A1



ELEVATIONS - RETAIL BUILDING S1, M1, & M3

KEY NOTES

- | | | | |
|---|--|----|--|
| 1 | Tenant signage | 10 | Brick tile base |
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| 9 | Aluminum awning | | |



SINGLE FAMILY - PLAN 1



SINGLE FAMILY - PLAN 2



Legend

- Open Space / Recreation / Parkway
- Retail Streetscape
- Residential Streetscape
- Residential Greenways
- Neighborhood Park / Recreation
- Project Entry Statement
- Crossings
- Multi-Use Recreation Trail
- Bike Route
- Pedestrian Circulation